

## **Subchapter Five: Licensing and Regulation of Massage Establishments and Massage Technicians**

### **4.05.010 General.**

The City Council finds that the operation of massage establishments and massage technicians as defined in this article should be regulated so as to further the public interest, safety, and welfare by providing minimum building, sanitation, and health standards for such establishments and providing minimum qualifications for massage technicians.

[*History:* formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

### **4.05.020 Definitions.**

For the purposes of this Subchapter Five, the following words and phrases shall have the respective meanings ascribed thereto:

- (a) *Massage* shall mean and refer to the method of treating the superficial parts of the human body for remedial or hygienic purposes by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument.
- (b) *Massage Establishment* shall mean and refer to any establishment wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on.
- (c) *Massage Technician* shall mean and refer to any person who administers to another person, for any form of consideration, a bath, massage, manipulation of the body, electric vibration, magnetic stimulation, or similar procedure.
- (d) *Massage Technician Trainee* shall mean and refer to any person currently enrolled in a recognized school.
- (e) *Recognized School* shall mean and refer to any school or institution of learning, which school or institution of learning has been approved pursuant to Section 2900715 of the Education Code of the State of California and which has for its purpose the teaching of a course consisting of 70 hours or more of the theory, ethics and practice, methods, profession, or work of massage technicians, and which school or institution of learning requires a resident massage technician be furnished with a diploma or certificate of graduation from such school or institution of learning showing successful completion of such course of study approved by the California State Department of Education. Schools offering correspondence courses not requiring actual attendance at class, or courses of a massage technician not approved by the California State Department of Education, shall not be deemed "recognized schools".

[*History:* formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.030      Massage Establishment; License Required.**

(a) It shall be unlawful for any person to operate, engage in, conduct or carry on, or to permit to be operated, engaged in, conducted or carried on (as the owner or in any other capacity), in or upon any premises within the Town of Colma, the business of a massage establishment as herein defined, unless a license for the operation of said establishment has been issued by the City Clerk and remains in effect in conformity with the provisions of this article.

(b) It shall be unlawful for any person to advertise, within the Town of Colma, for the promotion of a massage establishment unless such person holds a valid license as required by this Subchapter Five.

(c) It shall be unlawful for any person to solicit, within the Town of Colma, for a massage unless such person holds a valid license as required by this Subchapter Five.

(d) Every applicant for such a license shall furnish the following information (separate, individual application forms shall be submitted by each of the directors or officers for corporate applicants; and by each such partner, in the case of partnership applicants):

(1) The previous addresses of each applicant for the three years immediately prior to the applicant's present address.

(2) Written proof that the applicant is over the age of 18 years.

(3) Each applicant's height, weight, color of eyes and hair, and sex.

(4) Two portrait photographs of each applicant, at least two inches by two inches, taken within 60 days immediately prior to the date of filing of the application.

(5) The business, occupation, or employment of each applicant for the three years immediately preceding the date of the application.

(6) The history of each applicant in the operation of a massage establishment or similar business or occupation, including but not limited to whether or not any such person, in previously operating in any city or this or another county or state under a permit or license, has had such permit or license revoked or suspended and the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.

(7) All criminal convictions of each applicant, other than misdemeanor traffic violations, the nature of each offense and the punishment or penalty assessed therefore.

(8) The name and address of each massage technician who is or will be employed in said establishment.

- (9) A certificate from a medical doctor stating that each applicant has, within 30 days immediately prior to filing his application herein, been examined and found to be free from any infectious, contagious, communicable disease or venereal disease.
- (10) The fingerprints of each applicant on a form to be provided by the Chief of Police.
- (11) Such other reasonable identification and information as may be required by the City Clerk necessary to discover the truth of the matters hereinbefore specified.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.040 Exemptions.**

The licenses required herein shall not apply to hospitals, nursing homes, sanitariums, persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such person in any of such establishments.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.050 License Investigation and Fee; Establishment.**

All applications for an initial massage establishment license or a temporary massage establishment license shall be made to the office of the City Treasurer of the Town of Colma and shall be accompanied by an investigation fee in the sum of Fifty Dollars (\$50.00), no part of which shall be refundable. Upon receipt of said application, the City Clerk shall refer the application to the Building Inspector, the appropriate fire protection agency, and the Chief of Police, each of which, within a period of 30 days from the date of filing the application, shall inspect the premises proposed to be used as a massage establishment and shall make a written recommendation to the City Council concerning compliance with the respective requirements.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.060 Grounds for Denial of License.**

The following shall be basis for denial of a license:

- (a) The applicant has been convicted in a court of competent jurisdiction of an offense involving lewd conduct, or an offense involving the use of force and violence upon the person of another, or a crime requiring registration pursuant to Section 290 of the California Penal Code, or any violation of Sections 311 through 311.7, Sections 314, 315, 316, 318, or 647(a), (b), or (d) of the Penal Code.
- (b) The business, occupation or activity has been, will be, or is apt to become any one or more of the following:

- (1) Prohibited by law, statute, ordinance, rule or regulation;
- (2) A public nuisance;
- (3) Detrimental to the public health, safety, morals or welfare.

(c) The applicant has knowingly made a false statement in a material matter in his application or in any statement to any person conducting an investigation pursuant to Section 4.05.050.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.070 Renewal Fees.**

Each renewal application shall be accompanied by a fee in the amount of Five Dollars (\$5.00).

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.080 Sanitation Requirements.**

(a) All premises used by licensees hereunder shall be subject to periodic inspection for safety of the structure and the adequacy of plumbing, ventilation, heating, and sanitation. One artificial white light of not less than 40 watts shall be provided in each room where massage is being administered. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Separate rooms shall be provided for men and women for massage establishments employing five or more massage technicians.

(b) Towels, sheets, clothes and linens of all types, and items for personal use of operators and patrons shall be clean and freshly laundered and shall not be used for more than one person. Re-use of such items is prohibited unless the same has first been laundered. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle.

(c) Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of valuables of the patrons shall also be available.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.090 Inspection by County Officials.**

The investigating officials of the City, including the Health Officer, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, or health regulations.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.100     **Massage Technician License Required.****

(a) It shall be unlawful for any person, including those persons issued a massage establishment permit pursuant to this Subchapter Five, to practice massage as a principal, an employee, an agent, or otherwise, within the Town of Colma, unless such person has been issued a massage technician license by the City Clerk and such license remains in effect in conformity with the provisions of this article.

(b) The application shall be made upon a form provided by the City Clerk and shall set forth the following information:

- (1) The applicant's residential address and residence telephone number;
- (2) The name and address of the massage establishment where the applicant is to be employed and the name of the owner of same;
- (3) The names and addresses of any and all previous establishments where the applicant has been employed as a massage technician;
- (4) All criminal convictions, if any, other than misdemeanor traffic violations, of the applicant, the nature of each offense and the punishment or penalty assessed therefore;
- (5) Whether any permit or license to engage in the practice of massage as a massage technician or otherwise has previously been denied the applicant or revoked and, if so, the circumstances of such denial or revocation;
- (6) A portrait photograph of the applicant at least two inches by two inches, taken within 60 days prior to the date of filing of the application, together with a complete set of such person's fingerprints which shall be taken on a form provided by the Chief of Police;
- (7) Written proof that the applicant is over the age of 18 years;
- (8) A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior to filing his application herein, been examined and found to be free from any infectious, contagious, communicable disease or venereal disease.

(c) The applicant shall furnish evidence of receipt of a diploma or certificate of graduation from a recognized school wherein the method, profession, and work of massage techniques are taught.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.110 License Investigation and Fee.**

All applicants for an initial massage technician license or a massage technician trainee license shall be made to the office of the City Clerk of the Town of Colma and shall be accompanied by an investigation fee in the sum of Fifteen Dollars (\$15.00), no part of which shall be refundable. Upon receipt of said application, the City Clerk shall refer the application to the Chief of Police who, within a period of 30 days from the date of filing such application, shall make an investigation and submit a written recommendation thereon to the City Council concerning compliance with the respective requirements.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.120 Grounds for Denial of License.**

Any ground set forth in Section 4.506 may constitute the basis for denial of a license.

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.130 Renewal Fees.**

Each renewal application shall be accompanied by a fee in the sum of Five Dollars (\$5.00).

[History: formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.140 Massage Technician Trainee License.**

(a) Any person currently enrolled in a "recognized school" may apply for a massage technician trainee license which shall be a temporary license. In addition to the payment of the investigation fee required by Section 4.05.110 and the information required under Section 4.05.100, the applicant shall submit a letter signed by the director or administrator of the applicant's "recognized school" showing the date the applicant was officially enrolled and the estimated date the applicant will graduate.

(b) The applicant shall also submit a letter signed by the owner or operator of a massage establishment, stating his willingness to employ the applicant to do massage as a massage technician trainee, working under his direct supervision and control, during the time the applicant is completing the course of study as a massage technician.

(c) The massage technician trainee license shall expire 90 days from the date issued and is not renewable, except in the case of sickness or accident causing delay of such massage training. The applicant is expected to complete his massage technician training course of study during the 90-day period the license is valid. The trainee shall, at all times, comply with all laws and ordinances in effect, and the failure to so comply may render the applicant ineligible to obtain a massage technician's license. Upon presentation of a copy of his diploma or certificate of graduation from a "recognized school" the trainee may be issued the regular massage technician license.

[*History:* formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.150     Display of Signs and Permits.**

(a) A recognizable and legible sign shall be posted at the main entrance of each massage establishment identifying the establishment as such establishment.

(b) The owner or operator of such massage establishment shall display the massage establishment license issued and the license of each and every massage technician or massage technician trainee employed in the establishment in an accessible and conspicuous place on the premises.

[*History:* formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

#### **4.05.160     Notification of Changes.**

Every massage establishment owner or operator shall report immediately to the City Clerk any changes or transfers of massage technicians or massage technician trainees employed by him in the business or practice.

[*History:* formerly § 4.501; ORD. 296, 4/11/84; ORD. 611, 3/10/04]

